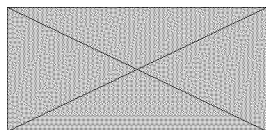


**To:** StClair, Christie[StClair.Christie@epa.gov]  
**From:** Environmental Law360  
**Sent:** Wed 8/12/2015 8:01:21 AM  
**Subject:** Texas May Struggle To Meet Power Demand Under EPA Regs



## ENVIRONMENTAL

Wednesday, August 12, 2015

### TOP NEWS

LAW  
FIRMS

#### **17 States Object To EPA's Order For New Power Plant Rules**

Akin  
Gump

Florida Attorney General Pam Bondi and 16 other attorneys general filed suit in the D.C. Circuit Tuesday claiming a recent U.S. Environmental Protection Agency final rule requiring them to revise their individual plans for regulating carbon emissions during the startup, shutdown or malfunction of power plants exceeds the agency's authority.

Baker  
Botts

BakerHc

#### **9th Circ. OKs Shell's Arctic Drilling Despite Walrus Concerns**

Berkowit  
Oliver

The Ninth Circuit on Monday denied several environmental groups' request for an injunction stopping Royal Dutch Shell PLC from drilling for oil in the Arctic, despite arguments that it will hurt the population of federally protected walruses.

Blank  
Rome

#### **13 States Press Judge To Delay EPA's Water Jurisdiction Rule**

Bonnett  
Fairbour

North Dakota and 12 other states on Monday asked a federal judge to issue a preliminary injunction that would prevent the U.S. Environmental Protection Agency from implementing its controversial rule that clarifies federal jurisdiction under the Clean Water Act.

Bracewe  
&  
Giuliani

#### **9th Circ. Quizzes Oil Cos. On Objections To Polar Bear Habitat**

Bryan  
Cave

A Ninth Circuit panel of three judges on Tuesday challenged an attorney for the Alaska Oil and Gas Association and the American Petroleum Institute, pressing him on why the companies contest the designation of critical polar bear habitat by the U.S. Fish and Wildlife Service as too large an area.

Buchalte  
Nemer

#### **EPA Committed To Gold King Mine Cleanup, McCarthy Says**

Cleary  
Gottlieb

U.S. Environmental Protection Agency Administrator Gina McCarthy said Tuesday that her agency is taking full responsibility to clean up toxic wastewater leaked following an Aug. 5 dam breach at an EPA-monitored Colorado mine, which could potentially contaminate the water supply in several states and on two Native American reservations.

DLA  
Piper

### ANALYSIS

Davis  
Graham

## **Texas May Struggle To Meet Power Demand Under EPA Regs**

LAW  
FIRMS

A triple-digit Texas heat wave this week pushed demand for power to record-setting new figures, highlighting the difficulty regulators face in ensuring the state will be able to provide reliable electricity as mandates in the federal Clean Power Plan are likely to force the retirement of Texas coal plants, lawyers say.

Akin  
Gump

Baker  
Botts

## **POLICY & REGULATION**

BakerHc

## **EPA Will Issue Revised Mercury Rule By April 2016**

Berkowitz  
Oliver

The U.S. Environmental Protection Agency on Monday said that it will reissue its rule limiting mercury and other toxic emissions from power plants nixed by the Supreme Court by April 2016, complete with a cost-benefit analysis that the high court said the agency had to perform.

Blank  
Rome

## **LITIGATION**

Bonnett  
Fairbour

## **3rd Circ. Tosses Banana Workers' Pesticide Claims**

Bracewell  
&  
Giuliani

The Third Circuit ruled Tuesday that a Delaware federal judge didn't abuse his discretion by dismissing consolidated class actions filed by Central American farm workers claiming Dole Food Co. Inc. and others exposed them to carcinogenic pesticides that left them infertile, finding that the workers had engaged in blatant forum shopping.

Bryan  
Cave

Buchalte  
Nemer

## **States Say EPA Bypassed Them In SO2 Standards Deal**

North Dakota and six other states on Monday told the Ninth Circuit that their interests were not protected when a California federal judge approved a deal extending deadlines by which the U.S. Environmental Protection Agency must identify sulfur dioxide pollution violations.

Cleary  
Gottlieb

Cooley  
LLP

## **Tuna Fishing Cos. Still On The Hook For \$1.5M Violation**

A D.C. federal court ruled Monday that six tuna fishing boat operators can't wriggle out of \$1.5 million in federal fines for tuna fishing methods banned by federal statutes and for illegally ensnaring whales, sinking the boat operators' arguments that the statutes are vague.

DLA  
Piper

Davis  
Graham

## **Water Co. Fights Class Cert. In W.Va. Chemical Spill Suit**

American Water Works Co. Inc. on Monday urged a federal judge to deny class certification in a lawsuit over its alleged role in a 2014 chemical spill that contaminated drinking water across nine West Virginia counties.

Davis  
Wright  
Tremain

Dewey  
&

LeBoeuf

## **Feds, Texas Sue Koch Pipeline Co. Over 1998 Oil Spill**

The federal government and the state of Texas on Tuesday lodged a suit against Koch Pipeline Company LP over the 1998 release of crude oil from a receiving station into a local

Earthjus

Edgcom

creek, allegedly causing widespread damage.

LAW  
FIRMS

### **Plastics Maker Polluted San Francisco Bay, Enviros Say**

Plastics maker TE Connectivity Ltd. violated the Clean Water Act by dumping pollutants into stormwater drains that ultimately discharge into San Francisco Bay, an environmental group alleged in a lawsuit filed in California federal court on Tuesday.

Akin  
Gump  
Baker  
Botts

### **Syngenta Says Generalities Can't Save Corn MDL**

Syngenta Corp. on Monday continued its fight to toss multidistrict litigation alleging it tainted the U.S. corn supply with genetically modified seed, telling a Kansas federal court that the plaintiffs' arguments mostly consist of diversions that avoid addressing established case law.

BakerHo

Berkowitz  
Oliver

Blank  
Rome

### **EPA Asks 10th Circ. To Respect Reservation Boundary Ruling**

The U.S. Environmental Protection again urged the Tenth Circuit to deny the state of Wyoming's challenge to its boundary determination for a Native American reservation for the purposes of the Clean Air Act, telling the court Monday that Congress never intended to reduce the size of the reservation.

Bonnett  
Fairbour

Bracewell  
&  
Giuliani

### **Arco Defends Fight Against NM Pueblo In Uranium Cleanup**

Atlantic Richfield Co. asked a New Mexico federal judge Tuesday to keep alive its effort to avoid paying for the cleanup of a uranium mining site on Pueblo of Laguna land, arguing that the pollution is the pueblo's problem now.

Bryan  
Cave

Buchalte  
Nemer

### **CIT Delays Yingli Solar Panel Anti-Dumping Duties Amid Suit**

A U.S. Court of International Trade judge has delayed implementing anti-dumping duties issued to a Chinese solar panel producer following an administrative review for 2012-2013, the same day the company challenged those duties in the CIT.

Cleary  
Gottlieb

Cooley  
LLP

### **Abengoa Hit With Investor Suit Over Inflated Cash Flow**

Spanish sustainable energy company Abengoa SA was hit with a shareholder suit Monday in New York federal court accusing the company of overstating its liquidity, leading to a precipitous drop in share prices when it slashed its cash flow target.

DLA  
Piper

Davis  
Graham

### **EXPERT ANALYSIS**

Davis  
Wright  
Tremain

### **Getting On Board With The Latest Oil Train Regulations**

Despite continued low oil prices and some decline in crude-by-rail shipping, the reality of oil trains — and potential for oil train derailments — appears to be here to stay for the foreseeable future, even though federal and state regulators have acted to reduce the number and severity of tank car derailments by imposing a number of significant new requirements, say Richard Allan and Zachary Kearns of Marten Law PLLC.

Dewey  
&  
LeBoeuf

Earthjus  
Edgcom

## **A Cautionary Tale Of CERCLA's Settlement Limitation Period**

LAW  
FIRMS

A Ninth Circuit decision in *Asarco LLC v. Celanese Chemical Co.* should remind settlers of private-party cost recovery or contribution actions that they may have triggered the Comprehensive Environmental Response, Compensation and Liability Act's limitation period for further contribution claims. Moreover, time-barred claims cannot be revived by a subsequent bankruptcy payment, says John Edgcomb of Edgcomb Law Group LLP.

Akin  
Gump

Baker  
Botts

## **LEGAL INDUSTRY**

BakerHo

## **Trial Aces: Gibbs & Bruns' Robin Gibbs**

Berkowit  
Oliver

Richard Nixon was in the White House when he started practicing law. He's reigned atop the Houston legal scene for the better part of two decades and has already won more cases than many of his peers will ever try. But despite all his experience, accolades and success, attorney Robin Gibbs still gets anxious before the start of a new trial.

Blank  
Rome

## **Big Firms' Big Rates Not An Obstacle For New Work, GCs Say**

Bonnett  
Fairbour

Expertise and preparation are selling points that outweigh the appeal of lower rates when major businesses are making new law firm hires, and large firms are benefiting — snapping up 60 percent of new hires recently, according to an ongoing survey of general counsel.

Bracewe  
&  
Giuliani

## **BakerHostetler's Risky Plan Battles BigLaw's Nonequity Woes**

Bryan  
Cave

BakerHostetler's plan to recast itself as a single-tier partnership is a bold attempt to deal with a growing concern around BigLaw — bloated income partner ranks — and an attempt more firms might take if leaders can convince everyone that the nonequity partnership track needs to go, experts say.

Buchalte  
Nemer

## **How To Turn Green Associates Into Killer Trial Lawyers**

Cleary  
Gottlieb

Fewer cases are going to trial, and when they do, the stakes are often higher. That can make it tough for associates who aspire to be trial lawyers to cut their teeth. Here, associates and mentors share strategies to get new lawyers ready for trial.

Cooley  
LLP

DLA  
Piper

## **BofA Cut Its Losses In Dewey's Final Month, Jury Hears**

The jury in the trial of the former leadership of Dewey & LeBoeuf LLP on Tuesday heard how Dewey lender Bank of America Corp. sold the firm's \$20 million debt at a loss following the collapse of merger talks with Greenberg Traurig LLP, amid news of the criminal investigation of Dewey's former chairman.

Davis  
Graham

Davis  
Wright  
Tremain

## **An In-House Cheat Sheet On Risk-Based Cybersecurity**

In a world where even the largest and most powerful governments and corporations have fallen victim to data breaches, it's hard for the average company to know what level of cybersecurity it needs. Luckily, the U.S. government has already put out a guide to help in-house counsel figure it out.

Dewey  
&  
LeBoeuf

Earthjus

## **US Expat Atty Killed During Botched Robbery In Venezuela**

Edgcom

An American named partner of Venezuela-based De Sola Pate & Brown was killed during an apparent robbery or kidnapping attempt gone awry at his home in Caracas over the weekend, according to reports.

### **Mintz Levin Nixes London Patent Practice After Cooley Raid**

After Cooley LLP poached three top Mintz Levin Cohn Ferris Glovsky and Popeo PC patent prosecutors in London last week, Mintz Levin has reportedly opted to shut down its European patent prosecution practice in the city.

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Mintz  
Levin

Morris  
James

Morris  
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Nordhaus  
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Richards  
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Schirme  
Diaz-  
Arrastia

Sidley  
Austin

Steptoe  
&  
Johnson  
LLP

Stoel  
Rives

Stueve  
Siegel

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Vinson  
& Elkins

Young  
Conawa

COMPA

Altman  
Weil  
Inc.

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Petroleu

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Inc.

America  
Water  
Works  
Compan  
Inc.

Archer  
Daniels  
Midland  
Co.

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Press

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Railroad

Associat  
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Corpora  
Counsel

Austin  
Energy

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Consulti  
Group  
Inc.

Bank of  
America  
Corpora

Barclays  
PLC

CPS  
Energy  
Inc.

Cargill  
Inc.

Celanes  
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Center



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Biologic:  
Diversity  
Inc.

Chevron  
Corpora

Chiquita  
Brands  
Internati  
Inc.

Citigroup  
Inc.

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Compan

Credit  
Suisse  
Group  
AG

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Monte  
Foods  
Compan

Devon  
Energy  
Corpora

Dole  
Food  
Compan  
Inc.

Dow  
Chemica  
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Electric  
Reliabilit  
Council  
of  
Texas  
Inc.

Environr  
Defense  
Fund

Inc.

Freedom  
Industrie  
Inc.

Huntsma  
Corpora

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JPMorg  
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& Co.

Kellogg  
Compan

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Generati  
Co. LLC

MetLife  
Inc.

Monsant  
Compan

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Resourc  
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Service

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Drug  
Administration

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Technology

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Administration

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Gibson Dunn

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Blank Rome

Bonnett Fairbourn

Bracewell & Giuliani

Bryan Cave

Buchalter Nemer

Cleary Gottlieb

Cooley LLP

DLA Piper

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Edgcomb Law

Edwards Wildman

Gibbs & Bruns

Gray Reed

Gray Ritter

Greene Espel

Hare Wynn

Haynes and Boone

Hunton & Williams

Jackson Kelly

Jones Day

Joyce McFarland

Kirkland & Ellis

Levi & Korsinsky

Locke Lord

Lundy Law LLP

Marten Law

Mintz Levin

Morris James

Morris Nichols

Morrison & Foerster

Morvillo Abramowitz

Native American Rights Fund

Nordhaus Law Firm

Olswang LLP

Pillsbury Winthrop

Reed Smith

Reynolds Frizzell

Richards Layton

Ropes & Gray

Schirrmeister Diaz-Arrastia

Steptoe & Johnson LLP

Stueve Siegel

The Calwell Practice

Van Ness

Young Conaway

COMPANIES

Natural Resources Defense Council

Sierra Club

American Petroleum Institute Inc.

Center for Biological Diversity Inc.

Royal Dutch Shell PLC

Altman Weil Inc.

American Bar Association

American Water Works Company, Inc.

Archer Daniels Midland Co.

Associated Press

Association of American Railroads

Association of Corporate Counsel

Austin Energy

BTI Consulting Group Inc.

Bank of America Corporation

Barclays PLC

CPS Energy Inc.

Cargill Inc.

Celanese Corporation

Chevron Corporation

Chiquita Brands International Inc.

Citigroup Inc.



Commercial Metals Company

Credit Suisse Group AG

Del Monte Foods Company

Devon Energy Corporation

Dole Food Company Inc.

Dow Chemical Co.

Electric Reliability Council of Texas Inc.

Environmental Defense Fund Inc.

Freedom Industries Inc.

Huntsman Corporation

Intel Corporation

JPMorgan Chase & Co.

Kellogg Company

Luminant Generation Co. LLC

MetLife Inc.

Monsanto Company

New York Times Co.

Reliant Energy Retail Holdings LLC

Residential Capital LLC

Syngenta AG

TE Connectivity Ltd.

Twitter Inc.

U.S. Chamber of Commerce

U.S. Energy Corp.

Yingli Green Energy Holding Co.

Zeughauser Group LLC

## GOVERNMENT AGENCIES

Environmental Protection Agency

U.S. Department of Justice

Department of the Interior

Fish and Wildlife Service

U.S. Supreme Court

Department of Commerce

Army Corps of Engineers

Bureau of Ocean Energy Management

Eastern Shoshone Tribe

Energy Information Administration

Federal Communications Commission

Federal Railroad Administration

Food and Drug Administration

National Institute of Standards and Technology

National Oceanic and Atmospheric Administration

National Transportation Safety Board

Navajo Nation

Pipeline and Hazardous Materials Safety Administration

Pueblo of Laguna of New Mexico

Securities and Exchange Commission

U.S. Army

U.S. Department of Transportation

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